

**COMBINED DECLARATION  
AND POWER OF ATTORNEY**

**(Original, Design, National Stage of PCT, Divisional, Continuation or C-I-P Application)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: "PROCESS FOR THE PREPARATION OF AMINO ALCOHOLS AND DERIVATIVES THEREOF"

This declaration is of the following type:

- ☐ original
- ☐ design
- ☒ national stage of PCT.
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (C-I-P)

the specification of which: *(complete (a), (b), or (c))*

(a) ☐ is attached hereto.

(b) ☒ was filed on November 30, 1998 as Application Serial No. 09/194,626. *(if applicable)*.

(c) ☒ was described and claimed in PCT International Application No. PCT/EP97/02838 filed on May 30, 1997 *(if applicable)*.

**Acknowledgement of Review of Papers and Duty of Candor**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

☒ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.98.

**Priority Claim**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed

*(complete (d) or (e))*

(d) ☐ no such applications have been filed.

(e) ☒ such applications have been filed as follows:

| PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION       |                 |                                      |                                     |                                      |
|---|-----------------|--------------------------------------|-------------------------------------|--------------------------------------|
| COUNTRY   | APPLICATION NO. | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 35 USC 119 |
| CH  | 1359/96         | 30/5/96                              |                                     | [x] YES NO []                        |
| CH  | 282/97          | 10/2/97                              |                                     | [x] YES NO []                        |
| CH  | 908/97          | 18/4/97                              |                                     | [x] YES NO []                        |
| ALL FOREIGN APPLICATION[S], IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION |                 |                                      |                                     |                                      |
|   |                 |                                      |                                     | [] YES NO []                         |
|   |                 |                                      |                                     | [] YES NO []                         |
|   |                 |                                      |                                     | [] YES NO []                         |

**Claim for Benefit of Prior U.S. Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|--------------------------------|-------------|
|                                |             |
|                                |             |
|                                |             |

**Claim for Benefit of Earlier U.S./PCT Application(s) under 35 U.S.C. 120**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

|                          |               |   |
|--------------------------|---------------|---|
| PCT/EP97/02838           | May 30, 1997  | Pending                                 |
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

|                          |               |   |
|--------------------------|---------------|---|
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
|--------------------------|---------------|---|

**Power of Attorney**

As a named inventor, I hereby appoint Dana M. Raymond, Reg. No. 18,540; Frederick C. Carver, Reg. No. 17,021; Francis J. Hone, Reg. No. 18,662; Joseph D. Garon, Reg. No. 20,420; Arthur S. Tenser, Reg. No. 18,839; Ronald B. Hildreth, Reg. No. 19,498; Thomas R. Nesbitt, Jr., Reg. No. 22,075; Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Richard S. Clark, Reg. No. 26,154; Bradley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Murnane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439 and Rochelle K. Seide Reg. No. 32,300 of the firm of BAKER & BOTTS, L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

SEND CORRESPONDENCE TO:  
BAKER & BOTTS, L.L.P.  
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CUSTOMER NUMBER: 21003

DIRECT TELEPHONE CALLS TO:  
BAKER & BOTTS, L.L.P.  
(212) 705-5000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |  |   |   |                     |
|--|--|---|---|---------------------|
| FULL NAME OF SOLE OR FIRST INVENTOR        | LAST NAME<br>Bernegger-Egli                    | FIRST NAME<br>Christine                 | MIDDLE NAME                             |                     |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Münster                                | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland   |                     |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>Bahnhofstrasse          | CITY<br>Münster                         | STATE or COUNTRY<br>SW                  | ZIP CODE<br>CH-3985 |
| DATE<br>04/01/99                           | SIGNATURE OF INVENTOR<br><i>Christine Egli</i> |   |   |                     |
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY | LAST NAME<br>Birch                             | FIRST NAME<br>Olwen                     | MIDDLE NAME<br>M.                       |                     |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Visp                                   | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Great Britain |                     |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>Weingartenweg 16        | CITY<br>Visp                            | STATE or COUNTRY<br>Switzerland         | ZIP CODE<br>CH-3930 |
| DATE<br>13. April 1999                     | SIGNATURE OF INVENTOR<br><i>Olwen M. Birch</i> |   |   |                     |
| FULL NAME OF THIRD JOINT INVENTOR, IF ANY  | LAST NAME<br>Bossard                           | FIRST NAME<br>Pierre                    | MIDDLE NAME                             |                     |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Onex                                   | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland   |                     |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>31 Avenue du Gros-Chêne | CITY<br>Onex                            | STATE or COUNTRY<br>Switzerland         | ZIP CODE<br>CH-1213 |
| DATE<br>26.04.99                           | SIGNATURE OF INVENTOR<br><i>Pierre Bossard</i> |   |   |                     |
| FULL NAME OF FOURTH JOINT INVENTOR, IF ANY | LAST NAME<br>Brieden                           | FIRST NAME<br>Walter                    | MIDDLE NAME                             |                     |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Glis                                   | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Germany       |                     |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>Grundbielstrasse 9      | CITY<br>Glis                            | STATE or COUNTRY<br>Switzerland         | ZIP CODE<br>CH-3902 |
| DATE<br>03/25/99                           | SIGNATURE OF INVENTOR<br><i>Walter Brieden</i> |   |   |                     |
| FULL NAME OF FIFTH JOINT INVENTOR, IF ANY  | LAST NAME<br>Brux                              | FIRST NAME<br>Frank                     | MIDDLE NAME                             |                     |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Raron                                  | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland   |                     |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>Haus Formes             | CITY<br>Raron                           | STATE or COUNTRY<br>Switzerland         | ZIP CODE<br>CH-3942 |
| DATE<br>04/01/99                           | SIGNATURE OF INVENTOR<br><i>Frank Brux</i>     |   |   |                     |
| FULL NAME OF SIXTH JOINT INVENTOR, IF ANY  | LAST NAME<br>Burgdorf                          | FIRST NAME<br>Knut                      | MIDDLE NAME                             |                     |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Ried-Brig                              | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Germany       |                     |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>Lingwurm 23             | CITY<br>Reid-Brig                       | STATE or COUNTRY<br>Switzerland         | ZIP CODE<br>CH-3911 |
| DATE                                       | SIGNATURE OF INVENTOR<br><i>Knut Burgdorf</i>  |   |   |                     |

|   |   |   |                                       |                     |
|---|---|---|---------------------------------------|---------------------|
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | LAST NAME<br>Duc                                  | FIRST NAME<br>Laurent                   | MIDDLE NAME                           |                     |
| RESIDENCE & CITIZENSHIP                     | CITY<br>Chermignon                                | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland |                     |
| POST OFFICE ADDRESS                         | POST OFFICE ADDRESS                               | CITY<br>Chermignon                      | STATE or COUNTRY<br>Switzerland       | ZIP CODE<br>CH-3971 |
| DATE  | SIGNATURE OF INVENTOR<br><i>Laurent Duc (Duc)</i> |   |                                       |                     |
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | LAST NAME<br>Etter                                | FIRST NAME<br>Kay-Sarah                 | MIDDLE NAME                           |                     |
| RESIDENCE & CITIZENSHIP                     | CITY<br>Niedergampel                              | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland |                     |
| POST OFFICE ADDRESS                         | POST OFFICE ADDRESS<br>Oberdorf                   | CITY<br>Niedergampel                    | STATE or COUNTRY<br>Switzerland       | ZIP CODE<br>CH-3945 |
| DATE<br>04/01/1999                          | SIGNATURE OF INVENTOR<br><i>Kay-Sara Etter</i>    |   |                                       |                     |
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | LAST NAME<br>Guggisberg                           | FIRST NAME<br>Yves                      | MIDDLE NAME                           |                     |
| RESIDENCE & CITIZENSHIP                     | CITY<br>Sierre                                    | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland |                     |
| POST OFFICE ADDRESS                         | POST OFFICE ADDRESS<br>Avenue du Rothorn 11       | CITY<br>Sierre                          | STATE or COUNTRY<br>Switzerland       | ZIP CODE<br>CH-3960 |
| DATE<br>04/12/1999                          | SIGNATURE OF INVENTOR<br><i>Y. Guggisberg</i>     |   |                                       |                     |
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | LAST NAME<br>Sauter                               | FIRST NAME<br>Martin                    | MIDDLE NAME                           |                     |
| RESIDENCE & CITIZENSHIP                     | CITY<br>Visp                                      | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Germany     |                     |
| POST OFFICE ADDRESS                         | POST OFFICE ADDRESS<br>Weingartenweg 16           | CITY<br>Visp                            | STATE or COUNTRY<br>Switzerland       | ZIP CODE<br>CH-3930 |
| DATE<br>05/29/1999                          | SIGNATURE OF INVENTOR<br><i>Martin Sauter</i>     |   |                                       |                     |
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | LAST NAME<br>Urban                                | FIRST NAME<br>Eva                       | MIDDLE NAME<br>Maria                  |                     |
| RESIDENCE & CITIZENSHIP                     | CITY<br>Visp                                      | STATE or FOREIGN COUNTRY<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Germany     |                     |
| POST OFFICE ADDRESS                         | POST OFFICE ADDRESS<br>Napoleonstrasse 7          | CITY<br>Visp                            | STATE or COUNTRY<br>Switzerland       | ZIP CODE<br>CH-3930 |
| DATE<br>03/29/1999                          | SIGNATURE OF INVENTOR<br><i>Eva Maria Urban</i>   |   |                                       |                     |

# ASSIGNMENT

WHEREAS, WE, CHRISTINE BERNEGGER-EGLI, OWEN M. BIRCH, PIERRE BOSSURD, WALTER BRIEDEN, FRANK BRUX, KNUT BURGDORF, LAURENT DUC, KAY-SARAH ETTER, YVES GUGGISBERG, MARTIN SAUTER, and EVA MARIA URBAN, citizens of Switzerland, Great Britain, Switzerland, Germany, Switzerland, Germany, Switzerland, Switzerland, Switzerland, Germany, and Germany, respectively, whose post office addresses are Bahnhofstrasse, CH-3985 Münster, Switzerland; Weingartenweg 16, CH-3930 Visp, Switzerland; 31 Avenue du Gros-Chêne, CH-1213 Onex, Switzerland; Grundbielstrasse 9, CH-3902 Glis, Switzerland; Haus Formes, CH-3942 Raron, Switzerland; Lingwurm 23, CH-3911 Reid-Brig, Switzerland; CH-3971 Chermignon, Switzerland; Oberdorf CH-3945, Niedergampel, Switzerland; Avenue du Rothorn II, CH-3960 Sierre, Switzerland; Weingartenweg 16, CH-3930 Visp, Switzerland; and Napoleonstrasse 7, CH-3930 Visp, Switzerland, respectively, have made an invention entitled "PROCESS FOR THE PREPARATION OF AMINO ALCOHOLS AND DERIVATIVES THEREOF" as set forth and described in application for Letters Patent of the United States, Serial No. 09/194,626, filed November 30, 1998; and

WHEREAS, LONZA AG, a corporation organized and existing under the laws of Switzerland, and having an office for the transaction of business at Münchensteinerstrasse 39, CH-4002 Basel, Switzerland, is desirous of acquiring the entire right, title and interest in and to said invention and any improvements thereon, and in and to the said application for Letters Patent therefor, and any Letters Patent which may be obtained therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that WE, the said CHRISTINE BERNEGGER-EGLI, OWEN M. BIRCH, PIERRE BOSSURD, WALTER BRIEDEN, FRANK BRUX, KNUT BURGDORF, LAURENT DUC, KAY-SARAH ETTER, YVES GUGGISBERG, MARTIN SAUTER, and EVA MARIA URBAN, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, to us in hand paid by said LONZA AG, and other valuable considerations unto us moving from said LONZA AG, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, have sold, assigned, transferred and conveyed and by these presents do sell, assign, transfer and convey, unto said LONZA AG, its successors and assigns, the entire right, title and interest in and to the said invention entitled "PROCESS FOR THE PREPARATION OF AMINO ALCOHOLS AND DERIVATIVES THEREOF" as set forth and described in application for Letters Patent of the United States, Serial No. 09/194,626, filed November 30, 1998, and any and all improvements thereon, and in and to said application and any division, continuation or continuation-in-part thereof, and in and to any Letters Patent of the United States which may be issued on any of said applications, and any reissues thereof, and in and to any and all applications for Letters Patent filed in foreign

countries for said invention or improvements including all priority rights, and any and all Letters Patent which may be granted in foreign countries therefor, TO HAVE AND TO HOLD THE SAME to the full end of the term or terms for which any and all said Letters Patent may be granted;

AND WE, the said CHRISTINE BERNEGGER-EGLI, <sup>L</sup>OWEN M. BIRCH, PIERRE BOSSURD, WALTER BRIEDEN, FRANK BRUX, KNUT BURGDORF, LAURENT DUC, KAY-SARAH ETTER, YVES GUGGISBERG, MARTIN SAUTER, and EVA MARIA URBAN, do hereby authorize and request the Commissioner of Patents and Trademarks to issue the said Letters Patent of the United States to said LONZA AG, as the assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said LONZA AG, its successors and assigns;

AND WE, the said CHRISTINE BERNEGGER-EGLI, <sup>L</sup>OWEN M. BIRCH, PIERRE BOSSURD, WALTER BRIEDEN, FRANK BRUX, KNUT BURGDORF, LAURENT DUC, KAY-SARAH ETTER, YVES GUGGISBERG, MARTIN SAUTER, and EVA MARIA URBAN, for the considerations aforesaid, do hereby covenant and agree to and with said LONZA AG, its successors and assigns, that we have the full power to make this assignment, and that the rights assigned are not encumbered by any grant, license or right heretofore given, and that we, our executors or administrators, shall and will do all lawful acts and things and make, execute and deliver without further compensation, any and all other instruments in writing, further applications, papers, affidavits, powers of attorney, assignments, and other documents which, in the opinion of counsel for said LONZA AG, its successors and assigns, may be required or necessary more effectively to secure to and vest in said LONZA AG, its successors and assigns, the entire right, title and interest in and to said invention and improvements, applications, Letters Patent, rights, titles, benefits, privileges, and advantages hereby sold, assigned, transferred and conveyed, and that we will sign any applications for reissue which may be desired by the owner of the patent or patents which may be issued for the said invention or improvements.

Subscribed and executed at Visp

(Place)

on 04/01/99  
(Date)

Christine Bernegger-Egli  
CHRISTINE BERNEGGER-EGLI

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: Andreas Schoellhorn  
(Type Name) Andreas SCHOELLHORN

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Subscribed and executed at Visp  
(Place)  
on 13. April 1999.  
(Date)

Owen M. Birch  
OWEN M. BIRCH

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: Andreas Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Geneva  
(Place)  
on 26.04.99  
(Date)

Pierre Bossard  
PIERRE BOSSARD

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: Andreas Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
(Place)  
on 03/25/99.  
(Date)

Walter Brieden  
WALTER BRIEDEN

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: Andreas Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
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(Date)

Frank Brux  
FRANK BRUX

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(Type Name) Sabine LUTZ

Witness: A. Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
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(Date)

Knut Burgdorf  
KNUT BURGDORF

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: A. Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
(Place)  
on 21.04.1999  
(Date)

(Spec) Laurent Duc  
LAURENT DUC

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: A. Schoellhorn  
(Type Name) Andreas SCHOELLHORN



Subscribed and executed at Visp  
(Place)  
on 04/01/1999.  
(Date)

Kay Sarah Etter  
KAY-SARAH ETTER

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: A. Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
(Place)  
on 04/12/1999.  
(Date)

Yves Guggisberg  
YVES GUGGISBERG

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: A. Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
(Place)  
on 03/29/1999.  
(Date)

Martin Sauter  
MARTIN SAUTER

Witness: Sabine Lutz  
(Type Name) Sabine LUTZ

Witness: A. Schoellhorn  
(Type Name) Andreas SCHOELLHORN

Subscribed and executed at Visp  
(Place)

on 03-23-99  
(Date)

Eva Maria Urban  
EVA MARIA URBAN

Witness: Sabine Lutz  
(Type Name) **Sabine LUTZ**

Witness: A. Schoellhorn  
(Type Name) **Andreas SCHOELLHORN**

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